



State of New Mexico
Office of the Natural Resources Trustee

GARY E. JOHNSON
Governor

Dr. William M. Turner, Trustee
Steven Cary, Deputy Director
Charles de Saillan, Counsel

MEMORANDUM

DATE: March 26, 1996
TO: Vince Malott, USEPA
FROM: Steve Cary, ONRT
RE: Your FAX message to me on this date

Earlier today you faxed to me a letter dated March 25, 1996, from R. D. Mico, of Sparton Technology, to Mr. D. Crouther, of EPA. The letter provides responses and information supporting Sparton's request for 60 additional days to prepare the revised CMS requested by EPA. ONRT's view is that the request should be denied.

Sparton identifies 10 tasks in its letter that Sparton states will require 90 days to complete. However, Mr. Mico states that the CMS was already revised pursuant to information and EPA comments that were available to him as of November 6, 1995. The time elapsed since that date has mostly been consumed with procedural issues, and little new information has arisen that would materially alter the situation. Most new information that did arise publicly was available to Sparton all along. Submittal of a final revised CMS should not require more than 30 days.

Specifically, Tasks 1 and 2 should have been largely completed in November, as per Mico's statement above. Tasks 3-6 are essentially design issues; remedy selection can proceed just fine without waiting for completion of these tasks. Task 7 is unnecessary for completion of the CMS. Tasks 8 and 9 should have been developed in the draft CMS, and their fine-tuning should be a simple task, or can wait until after remedy selection. Task 10 should require 1-2 days at most.

Task 4 eventually needs to be done in some form, although it is too vague to evaluate here. It is part of the site characterization that ONRT, NMED, City and County have requested. Our view is that this work could be ongoing while the remedy selection process is completed. EPA should ask Sparton to do this work, but independent of the CMS. It is a critical design issue and future design time can be saved by performing it now, but it is not a remedy selection issue and should not be allowed to delay remedy selection.

EPA analyzed the overall situation correctly when it specified the original 30 days. Mico infers that tasks 1,2,7,10 were revised On November 5, 1995; updating them should be routine. Tasks 3,4,5,6,8,9 are not necessary for completion of the CMS and cannot justify a delay. EPA should advise Sparton that the CMS can be adequately revised in 30 days and deny Sparton's request for any additional time.